

## **REMARKS**

Reconsideration of the present application is requested.

Applicants acknowledge that the previous rejections based in-part on Bruckman have been overcome. January 16, 2008 Office Action, p. 2.

Claims 1-14 and 16-24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Rathonyi et al. (U.S. Patent No. 6,359,877, hereinafter Rathonyi), in view of Tiedmann, Jr., et al. (U.S. Patent No. 5,914,950, hereinafter Tiedmann). This rejection is respectfully traversed.

Rathonyi discloses methods for minimizing packet retransmission by adapting packet size. *See* Col. 7:32-35. Referring to FIGS. 3A-3B, packet size is adapted by "segmenting higher layer PDU frame blocks." *See*, col. 8:25-28.

In more detail with reference to FIGS. 3A and 3B, packets in the first row represent the largest information part (I-part). These packets are obtained *by segmenting* higher layer PDU frame blocks. The packets in the second row are obtained *by dividing* the packets in the first row by two. The packets in the third row are obtained *by dividing* the packets represented in the second row by two. *See, generally*, Col. 8:24-48.

Rathonyi fails to teach or suggest at least, "puncturing and/or repeating the channel coded encoder packet," wherein the "puncturing," includes "removing bits from the channel coded encoder packet," and the "repeating," includes "duplicating bits in the channel coded encoder packet," as required by claim 1. As discussed above, Rathonyi discloses *only fragmenting or dividing packets to adapt packet size*. As the learned Examiner will surely appreciate

(and Applicants have previously pointed out, *see, e.g.*, Applicants' November 16, 2007 Amendment, p. 12-13; Applicants' June 20, 2007 Amendment, p. 11-13), segmenting or fragmenting does not include removing, repeating or duplicating bits in a code.

It would appear that the Examiner recognizes that dividing or segmenting packets does not constitute the "puncturing and/or repeating" set forth in claim 1 because the Examiner directs Applicants attention to a portion of the "BACKGROUND OF THE INVENTION," section of Rathonyi that briefly mentions a puncturing scheme. In more detail, column 3, line 62 through column 4, line 9 of Rathonyi discusses that, in both TDMA and CDMA systems, the channel coding together with a puncturing scheme can be used to obtain different rates.

But, this short discussion is *mentioned only in connection with the "BACKGROUND OF THE INVENTION" section*, not with the embodiments of Rathonyi (i.e., FIGS. 3A-3C), which the Examiner relies upon to teach the other features of claim 1. Moreover, the "DETAILED DESCRIPTION" section of Rathonyi *explicitly describes only dividing or segmenting packets* to adapt packet size. Rathonyi does not disclose or suggest puncturing to adapt packet size in connection with the embodiments of Rathonyi.

Furthermore, the fact that Rathonyi mentions a puncturing scheme in the BACKGROUND, but explicitly discloses only segmenting or dividing - puncturing - to adapt packet size leads to the logical conclusion that using

puncturing to adapt packet size in Rathonyi would not have been obvious to one of ordinary skill – for example, the inventors in Rathonyi.

Moving forward, the Examiner correctly recognizes that Rathonyi fails to teach all features set forth in claim 1, and relies upon Tiedmann to make up for these recognized deficiencies. Tiedmann, however, also fails to disclose or fairly suggest at least, "puncturing and/or repeating the channel coded encoder packet," wherein the "puncturing," includes "removing bits from the channel coded encoder packet," and the "repeating," includes "duplicating bits in the channel coded encoder packet," as required by claim 1. Therefore, even assuming *arguendo* the Examiner's combination could be made (which Applicants do not admit), the combination of references fails to teach or fairly suggest all features of claim 1.<sup>1</sup>

For at least the foregoing reasons, claim 1 is patentable over Rathonyi in view of Tiedmann. Claims 18, 21 and 24 are also patentable over the Examiner's combination of references for at least reasons somewhat similar to those set forth above with regard to claim 1. Claims 2-5, 14 and 18-20 and 22-23 are patentable at least by virtue of their dependency from claims 1, 18 or 21.

---

<sup>1</sup> To be thorough, further expedite prosecution, and for the sake of clarity, Applicants provide discussions of each of the references separately, however, Applicants are not attacking these references individually, but arguing that the references, even taken in combination, fail to render the claimed invention obvious because all features of claim 1 are not found in the prior art.

## **CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-14, and 16-24 in connection with the present application is earnestly solicited.

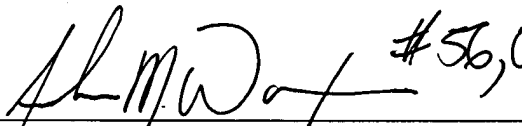
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007, at the number of the undersigned listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By

 #56,007  
Gary D. Yacura  
Reg. No. 35,416

GDY/AMW:krm

P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000